

**MEMO ENDORSED**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
MANHATTAN DIVISION**

**CASE NO.: 1:23-CV-05482**

VOLTSTAR TECHNOLOGIES, INC.,

Plaintiff,

v.

MIZCO INTERNATIONAL, INC.,

Defendant.

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**JOINT MOTION TO SET ASIDE FINAL DEFAULT JUDGMENT**

Plaintiff Voltstar Technologies, Inc. and Defendant Mizco International, Inc., by and through their undersigned counsel, pursuant to Fed. R. Civ. P. 55(c) and 60(b) hereby respectfully requests this Court to set aside the Final Default Judgment (DE 21), and as grounds therefore state as follows:

Fed. R. Civ. P. 60(b)(5) provides that “On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons ... the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable[.]”). Here, there is good cause to set aside the default judgment. The parties have reached a settlement in this case. Plaintiff has agreed to a release of the final default judgment against the Defendant.

WHEREFORE, the parties respectfully requests that the Court set aside the Final Default Judgment (DE 21) entered against Defendant Mizco International, Inc., cancel the inquest hearing on damages set for April 24, 2024 (DE 27), and any further relief the Court deems just and proper.

**SRIPLAW**

CALIFORNIA ♦ GEORGIA ♦ FLORIDA ♦ TENNESSEE ♦ NEW YORK

DATED: March 13, 2024

Respectfully submitted,

/s/ Joseph A. Dunne

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*Counsel for Defendant Mizco International,  
Inc.*

The parties' joint motion to set aside the Court's November 21, 2023 Final Default Judgment Order (Dkt. No. 21) is GRANTED. Accordingly, the inquest hearing previously scheduled for April 24, 2024, is canceled. (See Dkt. No. 27).

SO ORDERED.

Dated: March, 13, 2024

New York, New York



**Gary Stein**

**United States Magistrate Judge  
Southern District of New York**